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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/733,810	12/12/2003	Atsushi Narusawa	Q78953	8813
23373	7590	10/31/2007	EXAMINER [REDACTED]	
SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			FABER, DAVID	
		ART UNIT [REDACTED]		PAPER NUMBER 2178
			MAIL DATE 10/31/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)
	10/733,810	NARUSAWA, ATSUSHI
Examiner	Art Unit	
David Faber	2178	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 16 August 2007.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-6 and 14-17 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-6 and 14-17 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 16 August 2007 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is on response to the Request for Continued Examination filed 16 August 2007.

This office action is made Non-Final.

2. Claims 16 and 17 have been added.
3. Claims 1, 2, 14, and 15 have been amended.
4. The rejection of Claims 14 and 15 under 35 U.S.C. 112, first paragraph, has been withdrawn as necessitated by the persuasiveness of the Applicant. The rejection of Claims 14-15 under 35 U.S.C. 102(b) as being anticipated by Templeman (US Patent #5,845,303, published 12/1/1998) has been withdrawn as necessitated by the persuasiveness of the Applicant.
5. Claims 1-6, and 14-17 are pending. Claims 1, 2, 5, 6, 14 and 15 are independent claims.

Drawings

6. The drawings were received on 16 August 2007. These drawings are accepted.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

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The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Claims 1-6 remain rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

10. Claims 1 and 5 discloses the limitation "judging whether a document ... comprises tags which can cause a conflict...." The use of the phrase "comprise tags can cause" makes the claim vague and indefinite since its unclear to the Examiner if phrase is viewed as any tag or all tags have the possibility of having a conflict occurring. Since it the phrase is viewed of any tag have the possibility of a conflict occurring, that does not necessary mean that a conflict will occur all at all. Therefore, since a document comprises tags, such as any tag, which can cause a conflict, any or all tags can also not cause a conflict. In other words, just because the tags have the possibility of causing a conflict, does not mean it will cause a conflict since all the tags do not have the possibility of causing a conflict to occur. Thus, Claim 1 is rejected under 112 second paragraph for the use of the term "comprise tags can cause" making the claim vague and indefinite. Furthermore, Examiner will view the claim as the conflict not occurring since the claim does not disclose the conflict occurring, since its possible for any or all tag of a conflict occurring, if at all, throughout this Office action.

11. Claims 2 and 6 disclose the limitation "judging whether a document ... comprises tags which can impede initiating processing." The use of the phrase "comprise tags which can impede" makes the claim vague and indefinite since its unclear to the Examiner if phrase is viewed as any tag or all tags have the possibility of having the

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impedance occurring. Since it the phrase is viewed of any tag have the possibility of the impedance occurring, that does not necessary mean that the impedance will occur all at all. Therefore, since a document comprises tags, such as any tag, which can cause the impedance, any or all tags can also not cause the impedance. In other words, just because the tags have the possibility of causing the impedance, does not mean it will cause the impedance since all the tags do not have the possibility of causing the impedance to occur. Thus, Claim 2 is rejected under 112 second paragraph for the use of the term "comprise tags which can impede" making the claim vague and indefinite. Furthermore, Examiner will view the claim as the impedance not occurring since the claim does not disclose the impedance occurring, since its possible for any or all tag of a impedance occurring, if at all, throughout this Office action.

12. Claims 1-2, and 5-6 recite the "limitation performing control" in line 10. It unclear to the Examiner to which element said performing control is depending on since there are two "performing controls" elements that were previously defined. Thus, there is insufficient antecedent basis for this limitation in the claim.

13. Claims 1-2, and 5-6 recite the limitation "each document." There appears to be insufficient antecedent basis since the element "a document" was defined as a singular element within the independent claims, but later referred within the claims as the element being viewed in a plural sense as "each document" Therefore, there is insufficient antecedent basis for this limitation in the claim. Throughout this Office action, Claims 1-2 and 5-6 will view as if there is only one document involved.

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14. Claims 16 and 17 discloses the limitation "wherein images are formed in ascending order in a downward direction." It is unclear to the Examiner how the images are formed in ascending order without any disclosure how the process to determine the ascending order between the images. In other words, the Examiner is wondering if the determination of ascending order is based off size, name, date, layer, etc. Thus Claims 16 and 17 is rejected under 112 second paragraph for the use of the terminology "ascending order" without any additional information making the claim vague and indefinite. Furthermore, the Examiner will view the claim as wherein images are formed in a order in a downward direction."

Claim Rejections - 35 USC § 103

15. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

16. Claims 1-6, and 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nguyen et al (US Patent 6,377,354, filed 9/21/1998, and further in view of W3School ("HTML Tutorial: Welcome to HTML School", published as of 1/23/2002).

As per independent claim 1, Claim 1 incorporates the views based on the 35 USC 112, 2nd paragraph, rejections and the rationale incorporated. Therefore, Nguyen et al discloses of a method analyzing a location of the text and graphics elements

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(object images) to be printed of determining the location of an object image that may compose of a graphic or a text, and after determining the location of it overlapping a graphic or not, it processes to form the object to appear onto the document when it begins printing. When the process of overlapping is being determine, a sense of conflict with direct placement is being considered if overlapped is revealed since the process would have merge the two objects together (i.e. retrieve the other object's position and merge the two as one) then sent to output buffer to be formed. If no overlapping is revealed, it is sent to the printer to be formed by the printer. Nguyen et al discloses that a document requires many print calls to be processed hence the method disclosed above is repeated every time for each object presented in the document. (Abstract; Column 6, lines 35-49, 59-62; Column 7, 4-8, 16-61). Since Nguyen et al discloses the document is capable of performing multiple print calls for each object within the document, then Nguyen et al discloses the functionality of determining of finding if there is a conflict for each object and solving the conflict if one is present until all objects have been processed.

However, Nguyen et al fails to disclose that the document is written in a structured tag language comprising tags. However, W3Schools discloses the language HTML wherein a HTML document contains markup tags that discloses how the document will appear when displayed (Pg 1, "HTML Introduction"; Pg 5).

It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to have modified Nguyen et al's method of printing a document with objects with W3School's disclosure of HTML documents since it would have

provided HTML provides essential features of hypertext, that allows documents (web page) to link to other documents, and universally, that's allows any computer to read a HTML document since the documents are text files.

As per independent claim 2, Claim 2 incorporates the views based on the 35 USC 112, 2nd paragraph, rejections and the rationale incorporated. Furthermore, Claim 2 recites similar limitations as in Claim 1, and is similarly rejected under rationale.

As per dependent claim 3, Nguyen et al discloses method involves the text and graphics elements within the document, therefore, involving the whole document itself. In addition, each element is considered a portion of the document. (Abstract, lines 1-5, FIG 3-4)

As per dependent claim 4, Nguyen et al fails to specifically disclose said tags comprise at least one among "position"-type tags, "margin"-type tags, "line_height"-type tags, "img"-type tags, and "counter"-type tags. Based on the rejection of the use of a HTML document wherein the HTML document comprises tags in Claim 1 by Nguyen et al and W3School and the rationale incorporated, W3School discloses HTML comprises "img"-type tags. (pg 7)

As per independent claim 5, Claim 5 recites similar limitations as in Claim 1 and is similarly rejected under rationale.

As per independent claim 6, Claim 6 recites similar limitations as in Claim 2 and is similarly rejected under rationale.

As per independent claim 14, Nguyen et al discloses of analyzing a “suggested” location of the text and graphics elements to be printed by determining if there is a conflict of overlapping between text and graphics elements, as known as the Z-order problem. If there is an overlapping conflict of the elements are “the suggested” location, Nguyen merges the two objects together (i.e. retrieve the other object’s position and merge the two as one wherein the combined element overall position is determined too) then sent to output buffer to be formed (i.e. drawn). If there is no overlap, then the elements are automatically formed by sending it to the printer to be formed (i.e. drawn on the bitmap buffer) by the printer wherein the bitmap location information is marked after being drawn and then stored for printing. In addition, none of these locations are preset since they are considered as “suggested” and not set under after checking if any of the elements overlapped. Nguyen et al discloses that a document requires many print calls be processed hence the method is repeated every time for each object presented in the document. (Abstract; Column 6, lines 35-49, 59-62; Column 7, 4-8, 16-61) Therefore, Nguyen discloses the limitation of if the order of operation if the positions of the elements are determined first or the drawing of the elements occurs first.

As per independent claim 15, Claim 15 recites similar limitations as in Claim 14 and is similarly rejected under rationale.

As per dependent claim 16 and 17, Claims 16 and 17 incorporates the views based on the 35 USC 112, 2nd paragraph, rejections and the rationale incorporated. Furthermore, Nguyen et al and W3Schools fail to specifically discloses wherein images

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are formed in ascending order in a downward direction. It was well-known to one of ordinary skill in the art of a established standard that when images of a document are printed or formed by the printer, a printer has the ability to print images (or graphics, objects and/or elements) positioned at the top of the document are printed first, then the rest below are printed in a downward order to the bottom of the hard copy, hence a downward direction. In other words, an image that is positioned closest to the top would be formed/printed first, while next image positioned under the previous image would be printed/formed next, and so on until the last image positioned furthest/closest to the bottom of the document would be formed/printed last. Thus, images are formed in order of placement in a downward direction.

It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to have modified Nguyen et al's method and W3School's disclosure with the ability to print images in a top-to-bottom method since it was an established standard that provided the benefit of compatibility with all printers and devices to print in a top-to-bottom fashion.

Response to Arguments

17. Applicant's arguments filed 16 August 2007 have been fully considered but they are not persuasive.

18. On page 9, in regards to Claims 1-6, rejected under 35 USC 112, second paragraph, Applicant argues that the amended claims overcome the rejection. However, the Examiner disagrees.

The independent claims still disclose the limitation “judging whether a document ... comprises tags which can cause a conflict....” The use of the phrase “comprise tags can cause” makes the claim vague and indefinite since its unclear to the Examiner if phrase is viewed as any tag or all tags have the possibility of having a conflict occurring. Since it the phrase is viewed of any tag have the possibility of an conflict occurring, that does not necessary mean that a conflict will occur all at all. Therefore, since a document comprises tags, such as any tag, which can cause a conflict, any or all tags can also not cause a conflict. In other words, just because the tags have the possibility of causing a conflict, does not mean it will cause a conflict since all the tags do not have the possibility of causing a conflict to occur. Thus, the independent claims remain rejected under 112 second paragraph for the use of the term “comprise tags can cause” making the claim vague and indefinite.

19. On pages 11-12, in regards to Claim 1 rejected under 35 USC 103(a), Applicant argues that Nguyen fails to teach or suggest the limitations of Claim 1. However, the Examiner disagrees.

Claim 1 still incorporates the views based on the 35 USC 112, 2nd paragraph, rejections and the rationale incorporated since the 35 U.S.C 112, second paragraph, was not overcome by the amendment. Therefore, Nguyen et al discloses of a method analyzing a location of the text and graphics elements (object images) to be printed by determining the location of an object image that may compose of a graphic or a text. After determining the location, determine if it is overlapping a graphic or not, it

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processes to form the object to appear onto the document when it begins printing.

When the process of overlapping is being determined, a sense of conflict with direct placement is being considered if overlapped is revealed since the process would have merge the two objects together (i.e. retrieve the other object's position and merge the two as one) then sent to output buffer to be formed (i.e. drawn). If no overlapping is revealed, it is sent to the printer to be formed (i.e. drawn on the bitmap buffer) by the printer wherein the bitmap location information is marked after being drawn and then stored for printing. Nguyen et al discloses that a document requires many print calls be processed hence the method is repeated every time for each object presented in the document. (Abstract; Column 6, lines 35-49, 59-62; Column 7, 4-8, 16-61) Therefore, Nguyen discloses the limitation of if the order of operation if the positions of the elements are determined first or the drawing of the elements occurs first.

However, Nguyen et al fails to disclose that the document is written in a structured tag language comprising tags. However, W3Schools discloses the language HTML wherein a HTML document contains markup tags that discloses how the document will appear when displayed (Pg 1, "HTML Introduction"; Pg 5).

It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to have modified Nguyen et al's method of printing a document with objects with W3School's disclosure of HTML documents since it would have provided HTML provides essential features of hypertext, that allows documents (web page) to link to over documents, and universally, that's allows any computer to read a HTML document since the documents are text files.

20. Applicant's arguments, see pages 9-11, filed 16 August 2007, with respect to the rejection(s) of claim(s) 14-15 under 35 U.S.C. 102(b) as being anticipated by Templeman (US Patent #5,845,303, published 12/1/1998) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Nguyen et al (US Patent 6,377,354, filed 9/21/1998, and further in view of W3School ("HTML Tutorial: Welcome to HTML School", published as of 1/23/2002).

Conclusion

21. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Barada et al (US Patent 6,330,072): Discloses combining and ordering objects

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Faber whose telephone number is 571-272-2751. The examiner can normally be reached on M-F from 8am to 430pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong, can be reached on 571-272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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